

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195-SHS

Hon. Sidney H. Stein

OPENAI'S MOTION FOR LEAVE TO FILE UNDER SEAL

Under paragraph 22 of the Protective Order in this case (ECF 127) and Section 5.B of this Court's Individual Practices, Defendant OpenAI¹ respectfully seeks to provisionally file under seal a portion of its Objection to Non-Dispositive Order Pursuant to Federal Rule of Civil Procedure 72(a) and the accompanying exhibits. The objection seeks an order under Rule 72(a) setting aside the discovery orders at ECF 352-53 and compelling Plaintiff The New York Times Company to produce the requested discovery. OpenAI seeks to file portions of the objection and accompanying exhibits under seal because the objection discusses, and the accompanying exhibits contain, documents that Plaintiff designated as Protected Discovery Material under the Protective Order. Dkt. 127 ¶ 22. OpenAI does not affirmatively seek to seal any portion of the objection, nor any portion of any exhibit. Under the Protective Order, Plaintiff has five business

¹ "OpenAI" refers collectively to Defendants OpenAI, Inc.; OpenAI LP; OpenAI GP, LLC; OpenAI, LLC; OpenAI OpCo, LLC; OpenAI Global LLC; OpenAI Corporation LLC; and OpenAI Holdings, LLC.

days to file a statement of reasons for why the material should be sealed. *Id.* OpenAI will review Plaintiff's filings, and if necessary, confer about any disagreement.

KEKER, VAN NEST & PETERS LLP

Dated: December 23, 2024

By: /s/ Andrew F. Dawson
ROBERT A. VAN NEST (*pro hac vice*)
R. JAMES SLAUGHTER (*pro hac vice*)
PAVEN MALHOTRA - # 4409397
MICHELLE S. YBARRA (*pro hac vice*)
NICHOLAS S. GOLDBERG (*pro hac vice*)
THOMAS E. GORMAN (*pro hac vice*)
KATIE LYNN JOYCE (*pro hac vice*)
ANDREW F. DAWSON (*pro hac vice*)
SARAH SALOMON (*pro hac vice*)
633 Battery Street
San Francisco, CA 94111-1809
Telephone: 415 391 5400
Facsimile: 415 397 7188
rvannest@keker.com
rslaughter@keker.com
pmalhotra@keker.com
mybarra@keker.com
ngoldberg@keker.com
tgorman@keker.com
adawson@keker.com
kjoyce@keker.com
ssalomon@keker.com

Attorneys for Defendants OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI,
LLC, OPENAI OPCO LLC, OPENAI
GLOBAL LLC, OAI CORPORATION,
LLC, OPENAI HOLDINGS, LLC

Dated: December 23, 2024

LATHAM & WATKINS LLP

By: /s/ Elana Nightingale Dawson

Andrew M. Gass (*pro hac vice*)

andrew.gass@lw.com

Joseph R. Wetzel

joseph.wetzel@lw.com

505 Montgomery Street, Suite 2000

San Francisco, CA 94111

Telephone: 415.391.0600

Sarang V. Damle

sy.damle@lw.com

Elana Nightingale Dawson (*pro hac vice*)

elana.nightingaledawson@law.com

Michael David (*pro hac vice*)

michael.david@law.com

555 Eleventh Street, NW, Suite 1000

Washington, D.C. 20004

Telephone: 202.637.2200

Allison L. Stillman

alli.stillman@lw.com

Rachel R. Blitzer

rachel.blitzer@lw.com

Herman Yue

herman.yue@lw.com

Luke A. Budiardjo

luke.budiardjo@lw.com

1271 Avenue of the Americas

New York, NY 10020

Telephone: 212.751.4864

Attorneys for OpenAI Defendants

Dated: December 23, 2024

MORRISON & FOERSTER LLP

By: /s/ Rose S. Lee
Joseph C. Gratz (*pro hac vice*)
jgratz@mofo.com
Vera Ranieri (*pro hac vice*)
vranieri@mofo.com
425 Market Street
San Francisco, CA 94105-2482
Telephone: 415.268.7000

Rose S. Lee (*pro hac vice*)
rose.lee@mofo.com
707 Wilshire Boulevard, Suite 6000
Los Angeles, California 90017-3543
Telephone: 213.892.5200

Eric K. Nikolaides
enikolaides@mofo.com
Emily C. Wood
ewood@mofo.com
250 West 55th Street
New York, NY 10019-9601
Telephone: 212.468.8000

Carolyn Homer (*pro hac vice*)
enikolaides@mofo.com
2100 L Street, NW Suite 900
Washington, D.C. 20038
Telephone: 202.887.1500

Attorneys for OpenAI Defendants